



PATENT

Attorney Docket No. 62785.000004

Handwritten signature/initials

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No. 7580
Richard William Falla LE PAGE et al.) Group Art Unit: 1645
Application Number: 09/769,744) Examiner: DEVI
Filed: January 26, 2001)
For: NUCLEIC ACIDS AND PROTEINS FROM STREPTOCOCCUS PNEUMONIAE

**Response to Notice to Comply with Requirements for Patent Applications
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures
and Statement under 37 C.F.R. § 1.821**

Mail Stop Amendment

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the non-final Office Action and Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, mailed February 28, 2003, and in accordance with the provisions of 37 C.F.R. §§ 1.821-1.825, Applicants submit herewith a substitute "Sequence Listing" in both paper copy and computer readable form.

In accordance with the provisions of 37 C.F.R. §§ 1.821 and 1.825, Applicants submit herewith a substitute paper copy of "Sequence Listing," totaling one-hundred and sixty-four (164) pages. Applicants submit herewith a substitute computer readable copy of the "Sequence Listing" on a CD-ROM in ASCII format as required by 37 C.F.R. §§ 1.821(e) and 1.825(a).

In accordance with the provisions of 37 C.F.R. § 1.821(f), the undersigned hereby states that the content of the computer readable CD-ROM copy of the substitute "Sequence Listing" and the paper copy of the "Sequence Listing" submitted herewith are identical.

In accordance with the provisions of 37 C.F.R. § 1.825(a), the undersigned hereby states that the content of the computer readable CD-ROM copy of the substitute "Sequence Listing" and the paper copy of the "Sequence Listing" submitted herewith do not constitute new matter.

CONCLUSION

It is believed that no additional fees are required with this submission. However, in the event that additional fees are deemed necessary, or in the event of any variance between the amount enclosed and the fees determined by the U.S. Patent and Trademark Office, please charge or credit any such variance to the undersigned's **Deposit Account No. 50-0206**.

Respectfully submitted,
HUNTON & WILLIAMS LLP



Dated: August 15, 2005

By: _____

Laurence H. Posorske, Ph.D.
Registration No. 34,698

Christopher J. Nichols, Ph.D.
Registration No. 55,984

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)

LHP/CJN:cdh



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,744	01/26/2001	Richard William Ealla Le Page	62785.00004	7580
21967	7590	08/01/2005		
HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109				
O I P E J C 8 1 AUG 15 2005 PATENT & TRADEMARK OFFICE				
EXAMINER DEVI, SARVAMANGALA J N				
ART UNIT		PAPER NUMBER		
1645				
DATE MAILED: 08/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND
TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/769,744	01/26/01	Le Page et al.	62785.00004

Customer Number 21967	EXAMINER	
	S. Devi, Ph.D	
	ART UNIT	PAPER NUMBER
	1645	072005

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

- 1) This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R 1.821(a)(1) and (a)(2). A computer readable form (CRF) of the sequence listing was submitted. However, the CRF could not be processed by the Scientific and Technical Information Center (STIC) for the reason(s) set forth on the attached CRF Diskette Problem/Error Report.
- 2) Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 C.F.R 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached CRF Diskette Problem Report with the reply.
- 3) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (571) 272-0854. The Examiner can normally be reached on Monday-Friday from 7:15 a.m. to 4:15 p.m. (Eastern Time).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lynette Smith, can be reached at (571) 272-0864. The FAX phone number for group 1600 is (571) 272-8300.

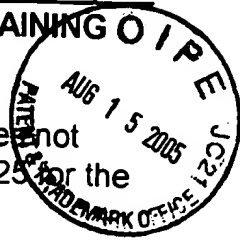
July, 2005


S. DEVI, PH.D.
PRIMARY EXAMINER

S. J. J.

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support (SIRA)

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

BEST AVAILABLE COPY

re-run

STIC Biotechnology Systems Branch

1 FW16

CRF Problem Report

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/769,744B
Filing Date: 1/26/01
Date Processed by STIC: 3/5/04

STIC Contact: Mark Spencer: Telephone: 571-272-2510; Fax: 571-273-0221

Nature of Problem:

The CRF (was):

- ☐ (circle one) Damaged or Unreadable (for Unreadable, see attached)
☐ Blank (no files on CRF) (see attached)
☐ Empty file (filename present, but no bytes in file). (see attached)
☐ Virus-infected. Virus name: _____ The STIC will not process the CRF.
☒ Not saved in ASCII text (see attached)
☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.
☐ Did not contain a Sequence Listing. (see attached sample)
☐ Other: _____

PLEASE USE THE CHECKER VERSION 4.2.2 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

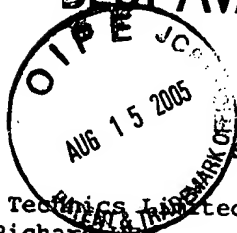
Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street,
Alexandria, VA 22314

Revised 01/24/05



SEQUENCE LISTING

<110> Microbial Technology Limited
Le Page, Richard M
Wells, Jeremy M
Hanniffy, Sean B
Hansbro, Philip M

<120> Proteins

<130> PWC/P21122WO

<140> PCT/GB99/02452

<141> 1999-07-27

<150> GB 9816336.3

<151> 1998-07-27

<150> US 60/125329

<151> 1999-03-19

<160> 196

<170> PatentIn Ver. 2.1

<210> 1

<211> 1200

<212> DNA

<213> Streptococcus pneumoniae

<400> 1

```

atgagaaata tgtgggtgtt aatcaaggaa acctatcttc gacatgtcga gtcattggagt 60
ttcttcttta tgggtgatttc gccgttcctc tttttaggaa tctctgtagg aattgggcat 120
ctccaagggt cttctatggc taaaaataat aaagtggcag tagtgacaac agtgccatct 180
gtagcagaag gactgaagaa tgtaaatggt gtttaacttcg actataaaga cgaagcaagt 240
gccaaagaag caattaaaga agaaaaatta aaagggtatt tgaccattga tcaagaagat 300
agtgttctaa aggcagttta tcatggcgaa acatcgcttg aaaatggaat taaatttgag 360
gttacaggta cactcaatga actgcaaaat cagcttaatc gttcaactgc ttcttgtct 420
caagagcagg aaaaacgctt agcgcagaca attcaattca cagaaaagat tgatgaagcc 480
aaggaaaata aaaagtttat tcaaaccaatt gcagcagggt ccttaggatt ctttctttat 540
atgattctga ttacctatgc ggggtgtaaca gctcaggaag ttgccagtga aaaaggcacc 600
aaaattatgg aagtcgtttt ttctagcata agggcaagtc actatttcta tgcgcggatg 660
atggctctgt ttctagtgat tttaacgcac attgggatct atgttgtagg tggctctggct 720
gccgttttgc tctttaaaga tttgccatct ttggctcagt ctggtatttt ggatcacttg 780
ggagatgcta tctcactgaa taccttgcctc ttatttttga tcagtctttt catgtacgta 840
gtcttggcag ccttctagg atctatgggt tctcgtctcg aggactcagg gaaagccttg 900
tcgcctttga tgattttgat tatgggtggt ttttttggag tgacagctct aggtgcagct 960
ggtgacaatc tctcttgaa gattgggtct tatattccct ttatttcgac cttctttatg 1020
ccgtttcgaa cgattaatga ctatgcgggg ggagcagaag catggatttc acttgctatt 1080
acagtgattt ttgcggtggt agcaacagga tttatcggac gcatgtatgc tagtctcgtt 1140
cttcaaacgg atgatttagg gatttggaac acctttaaac gtgccttata ttataaatag 1200

```

<210> 2

<211> 399

<212> PRT

<213> Streptococcus pneumoniae

sample of submitted
file: Doc002.pdf

Per 1.824 of
Sequence Rules,
all Sequence Listing
files MUST be saved
in ASCII text only

Do not
save
files in
"Acrobat"
format

change
to
↓

<150> PCT/GB99/02452
<151> 1999-07-27

These
are
prior
data